IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CROSSROADS SYSTEMS, INC.,	§	Docket No. 1:08-CV-00861-SS
Plaintiff,	§	
	§	
v.	§	Austin, Texas
	§	
	§	
DATADIRECT NETWORKS, INC., and EXCEL/MERIDIAN DATA, INC.,	§	
	§	
	§	
Defendants.	§	October 6, 2009

TRANSCRIPT OF TUTORIAL

BEFORE SPECIAL MASTER KARL BAYER

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(Proceedings recorded by mechanical stenography, transcript produced by computer)

P R O C E E D I N G S

SPECIAL MASTER: Everybody want to announce?

MR. SPRINKLE: Steve Sprinkle on behalf of the plaintiff, Crossroads Systems, Inc., and with me I have Elizabeth Fore and John Adair of Sprinkle IP Law Group, and John Guaragna of DLA Piper.

SPECIAL MASTER: Okay. Wait, let me make sure I've got -- is it Fore?

MS. FORE: Fore, yes.

SPECIAL MASTER: Ford?

MS. FORE: F-O-R-E, E as in Edward.

SPECIAL MASTER: And Mr. Adair, is that right?

MR. ADAIR: Yeah, A-D-A-I-R.

SPECIAL MASTER: Yes, sir?

MR. POLLINGER: Steve Pollinger with McKool Smith on behalf of DataDirect here with lead counsel, Rob Becker from Manatt, who will do the talking today.

SPECIAL MASTER: Okay.

MR. BECKER: Good morning.

SPECIAL MASTER: And we have other guests here?

MR. SPRINKLE: This is Bob Horse, Dr. Robert Horse --

SPECIAL MASTER: Okay.

MR. SPRINKLE: -- with Crossroads.

CLERK: I'm a clerk with Judge Yeakel; I'm just observing.

SPECIAL MASTER: Give my best to Judge Yeakel. He does these very well, but glad to have a visitor.

All right. Well, I don't know if you-all had talked amongst yourselves and had any sort of agenda; I'm pretty flexible on all of this.

The one big rule I will remind everybody is, although we're taking record, it's only -- it'll be sealed. It won't -- you can't use it for briefing, or in any other way, in the trial of the case. If something goes up to the federal circuit, it's available then, at that point, if there's some issue about this. But, that's generally the

way Judge Sparks likes to do it, so that's why we have Elizabeth here, so.

Yes, sir?

MR. BECKER: I have a question. Are we going to be able to keep -- obtain a copy of the transcript for our records?

SPECIAL MASTER: Certainly.

MR. BECKER: Thank you.

SPECIAL MASTER: And it's just -- it's always so tempting to fudge just a little bit. And I don't fault

anybody later; it's a Markman hearing and all. But really, try to encourage your witnesses to not refer back to -- like we talked about in the tutorial, and it'll be inadvertently. Sometimes people will try to cheat pretty flagrantly, and I know that upsets me as well as the Court, so, let's don't do that.

Well, now, I guess, let's start with you; Mr. Sprinkle, is that right?

MR. SPRINKLE: Sprinkle, yes.

SPECIAL MASTER: And what have you proposed in terms of a procedure for you guys? And then I'll ask Mr. Becker the same thing.

MR. SPRINKLE: We have a PowerPoint presentation that we will project --

SPECIAL MASTER: Okay.

MR. SPRINKLE: -- so you can see that will go over the technology that is at issue in this case.

SPECIAL MASTER: Uh-huh.

MR. SPRINKLE: And I'll talk to that PowerPoint.

SPECIAL MASTER: Okay. Good.

MR. BECKER: And I haven't seen it, so I plan to essentially react to it; and I have a few slides.

SPECIAL MASTER: Okay. Okay. Well, let me just say one thing. I've worked with Mr. Guaragna many

times before; we work pretty well together; I think even when I happen to be opposite him, so he's been through this before. But I can't remember if I've done a claim's construction with any of the rest of you-all before.

What's most useful for me, today, is really talking about technological issues: History, context, and trying to read things on to a patent today is not that helpful to me. As a matter of fact, it starts to aggravate me after awhile, and I know you-all want to try to be helpful.

The -- and so, the only thing I'm taking out a little bit there, Mr. Becker, in terms of reacting to it -- if there's technological errors, or things that you think that need to be expanded, that's perfectly okay. I'm really asking people to sort of set aside the lawyer advocacy today. Although I like really good lawyer advocacy; I want you to set that aside today and teach me, really, is what I'm hoping you'll do. Okay?

About how long do you think it will take?

MR. SPRINKLE: The presentation will take about 30 minutes if you don't have any questions during it.

SPECIAL MASTER: Oh, that will be unusual.

MR. SPRINKLE: So it will be more than 30 minutes.

SPECIAL MASTER: Okay. And then, Mr. Becker?

MR. BECKER: I have about 15 minutes if we don't have questions.

SPECIAL MASTER: Okay. Well, so, Judge Austin can have his birthday party in the courtroom today.

MR. SPRINKLE: I think we'll be cleared out.

SPECIAL MASTER: Okay. Good. Well, take it away then.

So just so you know, I've read the patents and that's about all I've done to prepare.

MR. SPRINKLE: Okay. So I have brought, for you, a copy of the two patents and a copy of the presentation. If I may approach?

SPECIAL MASTER: Please. And do you have a copy of the presentation for opposing counsel?

MR. SPRINKLE: I do, if you would like me to share that with them.

SPECIAL MASTER: Why don't you go ahead and do that right now. And, again, as far as I'm concerned -- well, I'll let you be the custodian of it. If you want to take it up after the end of the tutorial, that's fine. If you want to leave him with a copy, that's fine.

MR. SPRINKLE: I think probably we can just work it out on what we want to do with each other's presentation.

SPECIAL MASTER: Okay.

MR. SPRINKLE: Okay. So being mindful of attempting to use this time as you had intended it, with a tutorial on the technology, we have actually been before you before with these --

SPECIAL MASTER: Sounded familiar.

MR. SPRINKLE: -- with the family of patents that are -- two of which are at issue in this -- in this case, before Judge Sparks, now. And so, much of this tutorial is either content that I believe you may have seen before, or was certainly included in the Markman briefing in the Crossroads v. Dot Hill case.

SPECIAL MASTER: Okay.

MR. SPRINKLE: So some of it is hopefully familiar, hopefully not so familiar that I bore you with it.

SPECIAL MASTER: No.

MR. SPRINKLE: Maybe it'll look familiar. And you know, again, I don't remember, from that case, any admonition that it was too much advocacy, so hopefully it follows along, again, here today, so.

SPECIAL MASTER: Okay.

MR. SPRINKLE: So, if this all works -- it looks like it does.

So, just a little bit of context. As I said, we're going to be talking about technology around the 972 patent family. As a kind of overview statement, this patent

family covers systems and methods that control access between computers and remote storage, okay? So you need to control access between them. And you may remember in the Dot Hill case, one of the issues that was -- primary issues in the Markman and the claim construction was, what does it mean to be remote? Ultimately the interpretation of that was they need to have at least one serial transport; and the parties have agreed to that definition of remote here.

So the 972 patent, which was at issue in the Dot Hill case, and is not at issue here, is the parent of the other two patents that are at issue today. And you'll

remember that was a -- the claims in that 972 parent are directed towards a fiber channel SCSI system. The 035 case, which is at issue in this -- I'm sorry, the 035 patent, which is at issue in this case, is an any-to-any patent; it's not limited in what the transport mechanisms are between the computers and the storage. It is, of course, limited by the fact that one of them needs to be a serial transport, but it's not limited to -- needs to be any -- directed towards any specific transports.

And then the 147 patent is directed towards fiber channel to fiber channel implementations, specifically. The specifications of these three patents are identical. The differences between the patents are the claims.

So we'll go into a little background here, some of which may be too fundamental, especially since you've seen it before. But we'll talk a little bit about how storage is accessed and then, generally, how the invention operates.

So, this graphic is intended to show that we have -- with computers, you have locally attached storage devices that you can send information to and retrieve information from. So that would be like a device that's just sitting next to your desktop or next to your laptop. And typically, a computer can access that local storage using something called a native low level block protocol. This is a lower-level protocol, and it is in opposition -- which we'll talk a little bit about in later slides -- to what you would use if you were connected over a longer transport.

So, anyway, the local storage is attached -- I'm sorry. Local storage is access using this native low level block protocol rather than a higher level protocol. So, one of the reasons a native low level block protocol is used is it allows fast and efficient access to the locally attached storage.

Typically, these native low level block protocols are transported over a SCSI bus. SCSI is a small -- get it right -- Small Computer Systems Interface.

It's a well-known protocol used in, for example, storage transport.

SPECIAL MASTER: And one of my favorite acronyms in all of computer science.

MR. SPRINKLE: I'll use it plenty here today.

A SCSI bus is a parallel bus that cannot transport information over great distances; it's typically limited to about 25 meters max, often much shorter than that. It's a parallel transport as opposed to a serial transport. Again, that may sound familiar from the previous case.

So basically, SCSI buses are incapable of transporting information from a computer to a storage over long distances. However, in today's storage environments, what you need is the ability to have multiple computers connected to multiple storage devices, remotely, over distance.

There's a lot of reasons that you might want to do that: It centralizes the storage, centralizes the management of the storage, you can place the storage in a remote location, say, off-site, which is -- as it's graphically illustrated here; maybe it's a lower cost area

where you can put the storage rather than at people's -- expensive floor space where you have people sitting and working. The physical security of the remote storage is

easier to do than -- potentially than every single workstation and its local storage, et cetera. But storage connected by a SCSI bus can't meet this need; it doesn't have the capability.

In these modern systems where you want remote storage, you need access controls. What this graphic is illustrating is that without access controls, the green computer and the blue computer can get access to all of this remote storage, all three of these remote storage devices illustrated in this graphic.

What you want to be able to do is, since there may be data on any of these devices, what I've illustrated here is that on storage device 1 there may be green's personnel files. On storage device 2 there may be blue's tax records, and you may not want the green to be able to get the blue's tax records, or the blue to be able to get to green's personnel files. So you just simply create a mechanism so that you prevent that access.

So, now, the storage device on the top is limited to the green computer; blue cannot have access. And the storage on the left, on the bottom, can't be accessed by the green computer, while at the -- the third storage device listed there is still accessible by both.

Before a Crossroads invention, one of the ways you could establish remote storage was using what's

called a network file server. And so, this just illustrates

the file server having been placed between the computers and the storage, and these transports would be distance transports to allow remote storage.

And, using a network file server you can implement a form of access controls. So you could control access between the computers on the left and the storage on the right.

However -- and this is a big however -- a network file server creates bottlenecks which slows down the remote access. I don't know if you have seen this nifty little graphic from our last presentation or not.

SPECIAL MASTER: You're kind to think I could remember. Okay, we can drop the facade.

MR. SPRINKLE: All right. And, you know, we'll go into a little bit more about how a network file server works, but it does create this bottleneck in the access to the storage process, and there's a -- there's a significant performance degradation.

So what happens when a computer is using a network file server to access remote storage? What it has to do is, it has to create what we're calling, here, a network protocol request. And it takes several steps, at the computer, to start that process before it sends it to the server.

The first thing that happens is that the computer receives the user's request to, in this case, save this file that's named Budget_12; it's going to make a request to write data. At that point, the computer determines if that file, Budget_12, is on local storage or remote storage.

If it's on remote storage, it builds a

network protocol -- I'm sorry, yeah, it builds a network protocol, steps that are coming up here. The first step in that building, that network protocol, is it creates a high-level network request to write this Budget_12 information over to the storage. And the type of network request -- examples of network requests would be CIFS commands or NFS commands. I'm going to get these wrong, maybe, but NFS is Network File Server command. CIFS is Common Internet File Systems. Did I get it right? These are different file server commands that were created; one was created by Microsoft to be used in a Microsoft OS environment, and the other was created by Sun to be used in a UNIX environment.

So, that's the type of request that is being created at the computer in order to go -- go to remote storage, through a server.

Computer will then create what's called a TCP layer, a Transmission Control Protocol layer. This makes

sure the data arrived and checks the order of the data, and then creates an IP layer -- you may be familiar with TCPIP as an acronym -- identifies the computer which is making the request, and the remote server to which it's sending the request. Then creates an ethernet layer so that it can place it onto an ethernet transport and sends the network protocol request over to the server.

It also takes time once it gets to the server. It's a complex process to take this network protocol request that comes in and create a native low level block protocol request so you can access to storage.

So, the server receives the information,

checks the data accuracy, checks the order of the data, acknowledges the receipt, and if it didn't have it all, requests to say, look, some of the data didn't show up, some of the information didn't show up; resend it. These are all TCPIP kind of unwrapping steps.

Then, at step eight, it builds the native low level block protocol request, based on the network request, based on that CIFS or NFS request that came over, and this is a very time-consuming step. This is where a lot of this bottleneck occurs.

It occurs not only on an individual request-by-request basis; it's very complicated to build that request from the CIFS or the NFS command, but also,

lots of computers may be attached to this server, making the same kinds of requests, so the time delay starts to get multiplied as you increase the number of requests.

The server then will use the native low level block protocol to access the storage device. Server will then build a new network protocol to return an acknowledgment to the computer, send that network protocol request back to the -- back to the computer. And then the computer will receive the acknowledgment, checks the data was received, and if any of the data wasn't received, it'll resend it. So really, these arrows go both ways and this clogging up can occur in both directions.

So, given that background, now we take a look at Crossroads' invention. And what Crossroads' invention does is, this storage router, here in the middle, that's blinking yellow there so you can pick it out, provides access controls between computers and remote storage, and can use native low level block protocols indicated,

graphically, by these little -- I guess those are tannish balls floating through to the router. And what I'll do now is I'll kind of walk through what about the technology allows -- allows this to happen.

What Crossroads' inventions -- one of the things it has is a map, and what this map does is it allocates the remote storage to the computers. So you can

see the map floating above the storage router there, being blown out from the storage router. And what's illustrated there is the green computer has been allocated storage device 1 and storage device 3. The blue computer has been allocated storage device 3 and storage device 2. So, in the map, paths have been created between the green computer of storage device 1 and down to storage device 3, and from the blue computer down to storage device 2, and to storage device 3.

Crossroads' invention also provides access controls, uses the map to prevent the green computer from getting access to storage device 2, and the blue computer from getting storage device -- getting access to storage device 1. And as you can see, as illustrated here, there is no access control of the storage device 3; both computers can have access to that.

There is a variety of mechanisms -- implementations that be done in order to allow this access control. In the -- in the storage industry this will often be referred to as LUN masking, sometimes LUN filtering, even LUN mapping in some instances; there are other names to describe this. There are a variety of mechanisms that utilize the concept of the mapping implementing a control of

the access.

This is just saying that green can make a request to the personnel files over on storage device 1; request comes in; green is allowed to have access to that and the request goes through.

Crossroads' invention also provides virtual local storage. And what that is, is that's the presentation of these remote storage devices as if they were locally attached. So what happens is, you have this big network where you've got the green computer, the blue computer, the storage router in the middle, all of these storage devices at the back end, and to the green computer, because of what the storage router does, the technology here presenting it out as local -- virtual local storage, it looks like the situation on the right. To the green computer, it looks like it's got two storage devices that are locally attached, for example, by a SCSI bus.

Similarly, in the case of the blue computer, this big network, which may include a lot of other computers, a lot of other storage devices, this whole network, and this router, looks to the blue computer as if it's got storage device 2 and storage device 3 locally attached.

So, we talked about the invention being able to provide access controls, okay? We talked about you now have the remote storage with access controls. By the virtual local storage, what you can now do -- unlike in the file system situation -- is you can use the native low level block protocol to allow access. This graphic hopefully represented, as you remove the little water wheel that

causes all the trouble and by, you know, allowing access using the native low level block protocol, it makes it a much faster and more efficient access to this remote storage.

So, this is kind of a summary slide. Again, what we'll do here is say what the blue computer can do. So the blue computer makes a native low level block protocol request to blue's task files on storage two. Because blue is mapped to storage device 2, can have access, is allowed access to storage device 2 and the request goes through; green could not make this request.

So I'm going to divert off of these graphical kind of presentations and now look at the patent itself. This is Figure 3 of the patent. It's an exact representation, except that we've added these colors in: The router is in yellow, and the workstations have each been given a shade of orange. And so on the left you have the workstations, in the middle, item 56 to the storage router on the right; you see the storage. Item 60 is a global storage device. Item 62 is a device that has been partitioned; it has several different partitions of storage within it. And item 64 is a device that has not been

partitioned in this figure.

Pulling out this text from the 035 patent itself, what this description shows -- talks about, is that storage device 60 -- this is the device at the top -- has been configured to provide global data, and can be accessed by all five of the workstations A through E. Every workstation can have access to the storage device 60.

The next sentence talks about storage device

62 -- that's the longer storage device on the right -- has been partitioned into those four subsets: Subset 66, 68, 70 and 72, and each of those subsets has been allocated to a particular workstation. Subset 66 -- hopefully the color-coding kind of shows it -- has been allocated to workstation A; likewise 68 has been allocated to workstation B, C -- subset 70 has been allocated to workstation C, and subset 72 has been allocated to workstation D.

And, the statement following that is that these subsets can only be accessed by the associated workstations. The last sentence is that, similarly, storage device 64 has been allocated to workstation E.

Okay. So I'm just going to represent, in a tabular format, what's going on from that description of this figure. So on the left-hand side of this allocation of storage, you'll see the storage devices, 60, 62, partitioned out into its four partitions in 64, and then across the

remainder of the top, you see the workstations A, B, C, D and E. So, for storage device 60, all five of the workstations can get access.

For storage device 62, A, B, C and D can get access to that storage device, but only to the particular partition that's been allocated to them, been mapped to it. For storage device 64, workstation E gets access to that. So what this illustrates is that all of the workstations, A, B, C and D, have access to two storage devices.

A, for example, has access to 60 and 62. The partition 66 is in 62; B, likewise, 60 and 68, on down. E has access to the storage device 60, and storage device 64.

And that concludes my presentation on the

technology. Do you have any questions? Would you like to go back through any of that?

SPECIAL MASTER: No, pretty straight forward.

MR. SPRINKLE: All right. How was the advocacy?

SPECIAL MASTER: You didn't cheat.

MR. SPRINKLE: No --

SPECIAL MASTER: Yeah.

MR. BECKER: Keep it on that last slide, I don't need to use the (i/a).

MR. SPRINKLE: I'm sorry?

MR. BECKER: If you put your presentation back on the last slide then I don't need to hook my computer up; I can just use the last one you were on.

I just have a few comments because I think the technology was accurately represented and I thought it was helpful.

Just a couple of things. If you look at figure 3 here, what you see on the left-hand side of the storage router is the fiber channel network, and what you see on the right-hand side of the storage router is a SCSI bus. In this particular embodiment in the patent, the fiber channel is actually running SCSI commands over the fiber channel. It encapsulates them and then they're taken out of the containers in the storage router, and then sent over to the other side. That particular technology, using fiber channel to run SCSI commands was well-known, and that's something that will come out later in the case. But as far as technology terms, it's important to know that that didn't originate with this patent; that that was known.

A couple of other points, I agree with the mapping discussion regarding the storage router, what has been said in the case by -- in prior claims construction, and by the patent examiners, that is it's a one-to-one mapping and the map is resonant at the storage router. So that one device on one side knows how to talk to its

corresponding part on the other side and vice versa.

I think that's it.

SPECIAL MASTER: Wow, this is a record. Why don't we spend a little bit of time talking about the Markman hearing itself.

MR. SPRINKLE: If you don't mind, I would just like to make you can one comment --

SPECIAL MASTER: Sure.

MR. SPRINKLE: -- to what Mr. Becker said there.

So at the risk of pointing out some advocacy that just occurred, it's actually going to be -- the positions in the parties differ on this idea of what it maybe means to be a one-to-one correspondent.

SPECIAL MASTER: Okay.

MR. SPRINKLE: So I just want to point out that, you know, we -- when Mr. Becker said he agrees with what was presented here and that there is a one-to-one correspondence, to the extent there is or isn't that -- to the extent I've made a statement here, I stand by all of those, whether or not that is constitutes a one-to-one correspondents, or a many-to-many correspondents, or a one-to-many correspondents, I think is going to be part of what we're discussing here --

SPECIAL MASTER: Okay.

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MR. SPRINKLE: -- and I think the patent's pretty clear that -- you know, what it means when it's talking about these correspondents.

SPECIAL MASTER: Okay. All right. So, talk to me about what you-all are envisioning then for the Markman hearing itself. This was quick, and are we anticipating a day, a half a day? Are we anticipating live witnesses? Give me your thoughts.

MR. SPRINKLE: Yeah, so we have actually conferred on that ourselves.

SPECIAL MASTER: Okay.

MR. SPRINKLE: So, I think, at this point, it's a little bit green field. We -- we can probably do a lot of things. I -- given that we received confirmation, last night, from counsel that some of the terms are going to now be agreed to, I think we've limited, significantly, the number of terms that are at issue as to Markman. I think we're down to seven -- six, and it was like 13, or something like that.

So, we've got a lot fewer terms to actually talk about. And, quite frankly, I guess -- you know, I'll say this and -- I don't know if Rob disagrees at all -- I think that some of the arguments are going to overlap, even between those terms, and so I don't expect it's necessarily going to be an all day thing, so.

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SPECIAL MASTER: And what about witnesses? Are you anticipating any live witnesses?

MR. SPRINKLE: Maybe.

SPECIAL MASTER: Okay.

MR. SPRINKLE: I guess is the best I can answer that right at this moment.

SPECIAL MASTER: Fair enough. Do you have thoughts on that?

MR. BECKER: I agree. I can't imagine the Markman hearing going more than half a day --

SPECIAL MASTER: Yeah.

MR. BECKER: -- because I don't have that many --

SPECIAL MASTER: Oh, you don't? Well, we've had multi days before.

MR. BECKER: Well, it's possible, but I don't see it in this case.

SPECIAL MASTER: Yeah.

MR. BECKER: And I agree, it's possible that we would have a witness; I would have to meet to confer about that, but at this point I don't think so.

SPECIAL MASTER: Okay. Well, let's talk about making this convenient, then, for people coming in from out of town. We have the courtroom for the whole day, but that doesn't necessarily mean we have to start -- I

mean, if it saves people from having to come in the night before, I don't mind starting later, if that helps folks.

MR. BECKER: Just to be safe, I would come in the day before. I don't think there's any way around that, but I appreciate that.

SPECIAL MASTER: Okay.

MR. SPRINKLE: Well, it might actually be more convenient if we start in the morning so you can catch a plane out.

MR. BECKER: That's true.

SPECIAL MASTER: Okay.
MR. BECKER: Um, (i/a).
THE REPORTER: I'm having a hard time understanding you.
MR. BECKER: I'm sorry. The typical 9:00 a.m. is fine, I would imagine.
SPECIAL MASTER: The one thing I know the Court has gotten -- has been more concerned about in the last couple of years really, is making it very clear who one of ordinary skill in the art is, and so you-all be sure and address that. And if there's a fuss about that, know that that's not some trivial fuss to Judge Sparks anymore; it's kind of gotten to be a big deal.
The -- ultimately what he likes me to submit to him is simply a big chart, and to the extent that you-all

can work and make it into one, that's fine.
The keys to the kingdom in my office is a woman named Allison Chalkey; everybody needs to make Ms. Chalkey happy, and she will try to merge documents that you-all -- if you-all are -- or prefer to submit separate documents, that's fine; do it in Word, WordPerfect; it doesn't matter. If, on the other hand, it's a joint thing, a PDF is just fine. If we don't have to edit anything; it doesn't matter.
The chart, basically, will have the -- the claim, the phrase, the word in context, a slight context on either side of it, within the claim. Then another column will be the proposed -- the plaintiff's proposed construction, then next to that is just a real quick summary of the evidence, both -- he likes it sorted by intrinsic and

extrinsic evidence. This is not a repeat of everything you're doing in your brief, a simple page and line cite in a deposition, an exhibit number with a page within that exhibit, those kind of things, just a quick outline form. And then there will be a column for the defendant's, a column for the defendant's evidence, and then a column for my recommendation; that's the format he likes to see.

And we've done several of them, if -- I'm sure you guys, I know, have done some, so if you need to see the format or if you want to talk to Ms. Chalkey about it,

that's fine.

MR. BECKER: Is this something that you would like us to try to file before the hearing?

SPECIAL MASTER: No, this will -- this is at the tail end of everything. Let's talk a little bit about that -- actually, you don't need to take all of this down.

(Adjourned)

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UNITED STATES DISTRICT COURT)
WESTERN DISTRICT OF TRAVIS)

I, ELIZABETH DAVIS, Deputy Official Court Reporter, United States District Court, Western District of Texas, do certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

WITNESS MY OFFICIAL HAND this the 5th day of November, 2009.

/s/_____
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